

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**PASHA AUTOMOTIVE SERVICES**

**and**

**Case 20-CA-195343**

**INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION**

**ORDER**

The Employer's petition to revoke subpoena duces tecum B-1-WNMN9R is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).<sup>1</sup>

Dated, Washington, D.C., June 22, 2018

JOHN F. RING	CHAIRMAN
MARK GASTON PEARCE,	MEMBER
MARVIN E. KAPLAN,	MEMBER

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<sup>1</sup> The Employer's argument that the subpoena should be revoked because the unfair labor practice charge is barred by Sec. 10(b) is without merit. Issues regarding Sec. 10(b) are generally not addressed in an investigative subpoena context. See, e.g., *NLRB v. The Bakersfield Californian*, 128 F.3d 1339, 1341 (9th Cir. 1997) ("Like other defenses to an unfair labor practice complaint, a section 10(b) statute of limitations defense is not properly evaluated in a subpoena enforcement proceeding.").

To the extent that the Employer has provided some of the requested material, it is not required to produce that information again, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously provided documents constitute all of the requested documents, and provides all of the information that was subpoenaed.